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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 VINCENT O. EZEIRUAKU,

4 Plaintiff,

5 v.

20 Civ. 4004 (LJL)

6 AMERICAN EXPRESS COMPANY,

7 **Teleconference**

8 Defendant.

9 -----x

10 New York, N.Y.
11 August 28, 2020
12 11:30 a.m.

13 Before:

14 HON. LEWIS J. LIMAN,

15 District Judge

16 APPEARANCES

17 PRO SE for Plaintiff

18 BY: VINCENT O. EZEIRUAKU
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1 DEPUTY CLERK: Hi, good morning.

2 This is the Judge's deputy. Is this one of the
3 parties?

4 MR. EZEIRUAKU: Ezeiruaku.

5 DEPUTY CLERK: Okay.

6 THE COURT: Good morning. This is Judge Liman.
7 Do we have the plaintiff on the telephone?

8 MR. EZEIRUAKU: This is the plaintiff, Vincent
9 Ezeiruaku.

10 THE COURT: Good morning, sir.

11 Can you tell me how you pronounce your name?

12 MR. EZEIRUAKU: Ezeiruaku.

13 THE COURT: All right. I'll try my best.

14 MR. EZEIRUAKU: It's like the word "EASY" and "RUAKU."

15 THE COURT: All right. Ezeiruaku.

16 And do we have anybody on for the defendant?

17 MR. EZEIRUAKU: That is what I wanted to mention to
18 your Honor, that when the complaint was filed, the process
19 server effected the service, and nobody responded. And we
20 applied with the clerk, and the clerk entered a default. And
21 then after the clerk entered the default, we filed a motion to
22 the Judge for the judgment now pending in the court right now.

23 And, sir, I'm going to ask you to try to speak -- I
24 hear the background noise also. There's an echo on the phone.

25 Would everybody try calling back into this telephone

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1 number?

2 MR. EZEIRUAKU: Okay.

3 (Pause)

4 DEPUTY CLERK: It looks like everyone is back on the
5 line, Judge.

6 THE COURT: Okay. Good.

7 Mr. Ezeiruaku, are you on the phone?

8 Do we have the plaintiff on the phone?

9 DEPUTY CLERK: It looks like his number is on the
10 line, but I don't hear him so I don't know.

11 MR. EZEIRUAKU: I just came back on. I'm sorry.

12 THE COURT: Good morning again, Mr. Ezeiruaku.

13 So I have your motion for a default judgment.

14 MR. EZEIRUAKU: Good.

15 THE COURT: And I also have the clerk's certificate of
16 default.

17 MR. EZEIRUAKU: Yes, your Honor.

18 THE COURT: I've got a couple of questions for you.

19 MR. EZEIRUAKU: Yes.

20 THE COURT: The first question that I have is if you
21 could describe for me the service that -- the process that was
22 made on American Express, on the defendant?

23 MR. EZEIRUAKU: Okay. Yes, your Honor.

24 I contracted with a professional server out of Queens,
25 New York --

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1 THE COURT: Okay.

2 MR. EZEIRUAKU: -- called Goldman's Process Server. I
3 sent in the certificate of service notarized, and they advised
4 that they did a personal service on somebody named Janet with
5 the company, American Express. They did not state the last
6 name of Janet. They described Janet. And I submitted the
7 certificate of service with the clerk when I requested the
8 default entry.

9 THE COURT: Okay. Very well. And then I have the
10 complaint showing that you were overcharged by American Express
11 for the tickets. One question that I have for you is you
12 indicated that there were tickets that were purchased, I
13 believe, for your daughter.

14 Is that correct?

15 MR. EZEIRUAKU: Yes, uh-huh.

16 THE COURT: And was it your account, sir, that was
17 charged for your daughter's tickets, or was it your daughter's
18 account? Was it your account that was charged?

19 MR. EZEIRUAKU: Yes, your Honor.

20 THE COURT: Okay. The last question that I've got is:
21 Do you have any receipts showing the purchase of the airline
22 tickets, or bank statements showing the overcharge, or any
23 documents showing communications with American Express
24 informing them about the overcharge?

25 MR. EZEIRUAKU: Yes, I do, your Honor. If I'm

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1 correct, I attached some of the overcharge with the complaint.
2 But just to -- you know, to be on the safe side, to make double
3 sure, I will pull them back up if your Honor needs them and it
4 will be made available.

5 THE COURT: Yeah. I do not have them with the
6 complaint.

7 MR. EZEIRUAKU: Okay. And so what I'm going to ask
8 you to do is to file papers that show the amounts of the
9 overcharge as part of a revised motion for a default judgment.

10 When can you file those by?

11 MR. EZEIRUAKU: As soon as possible. I could start it
12 today.

13 THE COURT: Okay. You don't need to do it today, but
14 that would be great if you could.

15 Then what I'm going to do is schedule a hearing on the
16 motion for a default judgment. And I'm going to tell you when
17 I'm going to schedule it for.

18 MR. EZEIRUAKU: Okay, your Honor.

19 THE COURT: I'd like to do that in about three weeks'
20 time, around September 18th or so.

21 MR. EZEIRUAKU: Okay.

22 THE COURT: I'm asking my clerk if there's a
23 convenient time.

24 DEPUTY CLERK: Just a moment.

25 THE COURT: Or maybe the week after September 21.

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1 DEPUTY CLERK: We can do it the 18th, Judge, in the
2 afternoon. The 18th at 2:00 o'clock?

3 THE COURT: Mr. Ezeiruaku, does that work for you?
4 That would be telephonically.

5 MR. EZEIRUAKU: Yes. Any day for the Court, yes.

6 THE COURT: Okay. So we will do that. We'll enter an
7 order scheduling the hearing on the motion for default judgment
8 for September 18th, at 2:00 p.m.

9 Now, under my individual practices, you are -- I'm
10 just pulling them up, just give me a moment. You're required
11 to serve on American Express the order setting the date and the
12 time for the default judgment here and also serve on them the
13 motion for a default judgment.

14 Does September 18th give you enough time to do that,
15 or would you like me to make the date a little bit later than
16 that?

17 MR. EZEIRUAKU: September 18th is fine.

18 My question, your Honor, is: Do I serve them with
19 certified or do I go with the process server again?

20 THE COURT: So for advice about that, if you go on the
21 website for the Court, there is a telephone number for the New
22 York Legal Action Group. They should be able to answer that
23 question. But I will tell you that all you're required to do
24 is make service consistent with Rule 5 of the Federal Rules of
25 Civil Procedure. Those do not require that you use a process

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1 server. They do set forth how you can make service. And so
2 that's what you should -- you can look at, is Rule 5 of the
3 Federal Rules of Civil Procedure.

4 MR. EZEIRUAKU: Okay, your Honor. Thank you.

5 THE COURT: So the order will be forthcoming. We're
6 going to enter the order today.

7 Matt, do we know how we get a copy of that order to
8 Mr. Ezeiruaku, so he can serve it?

9 DEPUTY CLERK: I could mail it out to him as soon as
10 the order hits the docket.

11 THE COURT: Is that how you would -- we will mail it
12 to you. If you've got an email address, we can also email you
13 a copy of it.

14 MR. EZEIRUAKU: Can I make mention of something? I
15 noticed that on two or three occasions, there is an indication
16 that something was mailed to me at 900 Monet Court, and I never
17 got it. I have access to PACER and that's how I'm able to see
18 this docket. So I don't know if the clerk has the correct
19 address, 900 Monet Court. I don't know. In any event, I
20 usually pull them up on the PACER.

21 THE COURT: Okay. So you'll be able to get the order
22 through PACER. But why don't you now give us the best mailing
23 address for you. And, again, say it slowly so my courtroom
24 deputy can get the information down.

25 MR. EZEIRUAKU: Okay. 900 Monet Ct; Williamstown, New

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1 Jersey 08094.

2 DEPUTY CLERK: Got it.

3 THE COURT: Okay. So we will send a copy to you.

4 Matt, is there anything else we need from the
5 plaintiff?

6 DEPUTY CLERK: I don't believe so. That should be
7 all. It should get to him. I guess if he doesn't wind up
8 receiving it or he has an issue receiving it, he can, you know,
9 send an email to our chambers if he would like.

10 THE COURT: We've got authority to do that, Mr.
11 Ezeiruaku.

12 MR. EZEIRUAKU: Okay. And does a pro-se have the
13 wherewithal to electronically send any motion or no?

14 THE COURT: So if you go onto the website for the
15 Southern District of New York, you'll see instructions there
16 for how to register to be able to get notices electronically.
17 And I would encourage you to do that. And if you would like to
18 give the notices electronically, there are a set of procedures
19 there that you can follow.

20 MR. EZEIRUAKU: Even as a pro-se?

21 THE COURT: I believe that there are some procedures
22 there for pro-ses. You'll have to look at the website.

23 MR. EZEIRUAKU: All right. Okay. Thank you, your
24 Honor.

25 THE COURT: Is there anything else, sir, that I can

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1 address for you today?

2 MR. EZEIRUAKU: Your Honor, when this phone call
3 began, it said that there are six people on the line.

4 THE COURT: That's because you've got me, the Judge;
5 you've got my courtroom deputy, that makes it two; we probably
6 have a law clerk, that's three; and you've got the court
7 reporter, that's four. You're five. And I don't know who the
8 sixth person is.

9 MR. EZEIRUAKU: Okay. All right.

10 THE COURT: But this is a public proceeding, so
11 anybody can call in if they want.

12 MR. EZEIRUAKU: Oh, yes. I was just trying to know
13 who the sixth person was. All right. Thank you. I don't
14 think I have anymore questions for the Court.

15 THE COURT: Okay. Thank you very much, sir.

16 We're adjourned.

17 MR. EZEIRUAKU: Thank you very much. Have a good day.

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